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March 6, 2025

VIA ECF

Honorable Brian R. Martinotti, U.S.D.J.
United States District Court
District of New Jersey
U.S. Post Office & Courthouse
2 Federal Square
Newark, NJ 07102

**Re: *In re: Insulin Pricing Litigation*, MDL No. 3080
Case No. 2:23-md-03080-BRM-RLS**

Dear Judge Martinotti:

I write jointly on behalf of the Self-Funded Payer Track Plaintiffs and Defendants to provide a follow-up to the parties' discussions with the Court during last month's case management conference regarding Defendants' pending Motions to Dismiss filed in the Self-Funded Payer Track.¹

Plaintiffs' position: During last month's case management conference, the Court expressed interest in certain aspects of Defendants' Motions to Dismiss the *Albany County*, *Lake County*, and *King County* Complaints in the Self-Funded Payer Track—namely, Defendants' statute-of-limitations affirmative defense and the issue of constructive notice. In the context of Defendants' Motions to Dismiss, and mindful that these issues are generally fact-intensive and plaintiff-specific, Plaintiffs' opposition briefs were appropriately compressed. Plaintiffs respectfully submit that oral argument tailored to Defendants' statute-of-limitations defense, and the points raised by the Court during the last case management conference, could be of assistance to the Court in more specifically addressing Defendants' argument in the context of these cases.

Defendants' position: As discussed at the last case management conference, Defendants believe the Court should decide the date that Plaintiffs had constructive notice, meaning the date that through reasonable diligence the plaintiffs could have uncovered the facts underlying their claims. Defendants believe that this issue can be decided independent of any assessment of tolling because it does not require an inquiry into any specific Plaintiff's circumstances. Defendants will happily present argument if the court believes that would be helpful.

¹ Manufacturers' Motion (ECF Nos. 249-50, 256, 258); PBM Defendants' Motion (ECF Nos. 251-55, 257, 259).

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We thank the Court for its continued attention to these matters.

Respectfully submitted,

/s/ David R. Buchanan
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*Liaison Counsel for
the Self-Funded Payer Track*

cc: Honorable Rukhsanah L. Singh, U.S.M.J. (via ECF)
Counsel of Record (via ECF)